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GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

SENATE BILL NO. 195

TUESDAY, FEBRUARY 22, 2005

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to a residential hospice exemption from certificate of need.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 216B.020 is amended to read as follows:

2 (1) The provisions of this chapter that relate to the issuance of a certificate of need shall
3 not apply to abortion facilities as defined in KRS 216B.015; any hospital which
4 does not charge its patients for hospital services and does not seek or accept
5 Medicare, Medicaid, or other financial support from the federal government or any
6 state government; assisted living residences; family care homes; state veterans'
7 nursing homes; services provided on a contractual basis in a rural primary-care
8 hospital as provided under KRS 216.380; community mental health centers for
9 services as defined in KRS Chapter 210; primary care centers; rural health clinics;
10 private duty nursing services licensed as nursing pools; group homes; end stage
11 renal disease dialysis facilities, freestanding or hospital based; swing beds; special
12 clinics, including, but not limited to, wellness, weight loss, family planning,
13 disability determination, speech and hearing, counseling, pulmonary care, and other
14 clinics which only provide diagnostic services with equipment not exceeding the
15 major medical equipment cost threshold and for which there are no review criteria
16 in the state health plan; nonclinically-related expenditures; nursing home beds that
17 shall be exclusively limited to on-campus residents of a certified continuing care
18 retirement community; the relocation of hospital administrative or outpatient
19 services into medical office buildings which are on or contiguous to the premises of
20 the hospital; residential hospice facilities established by licensed hospice
21 programs; or the following health services provided on site in an existing health
22 facility when the cost is less than six hundred thousand dollars (\$600,000) and the
23 services are in place by December 30, 1991: psychiatric care where chemical
24 dependency services are provided, level one (1) and level two (2) of neonatal care,
25 cardiac catheterization, and open heart surgery where cardiac catheterization

1 services are in place as of July 15, 1990. The provisions of this section shall not
2 apply to nursing homes, personal care homes, intermediate care facilities, and
3 family care homes; or nonconforming ambulance services as defined by
4 administrative regulation. These listed facilities or services shall be subject to
5 licensure, when applicable.

6 (2) Nothing in this chapter shall be construed to authorize the licensure, supervision,
7 regulation, or control in any manner of:

8 (a) Private offices and clinics of physicians, dentists, and other practitioners of
9 the healing arts, except any physician's office that meets the criteria set forth
10 in KRS 216B.015(4);

11 (b) Office buildings built by or on behalf of a health facility for the exclusive use
12 of physicians, dentists, and other practitioners of the healing arts; unless the
13 physician's office meets the criteria set forth in KRS 216B.015(4), or unless
14 the physician's office is also an abortion facility as defined in KRS 216B.015,
15 except no capital expenditure or expenses relating to any such building shall
16 be chargeable to or reimbursable as a cost for providing inpatient services
17 offered by a health facility;

18 (c) Dispensaries and first-aid stations located within business or industrial
19 establishments maintained solely for the use of employees, if the facility does
20 not contain inpatient or resident beds for patients or employees who generally
21 remain in the facility for more than twenty-four (24) hours;

22 (d) Establishments, such as motels, hotels, and boarding houses, which provide
23 domiciliary and auxiliary commercial services, but do not provide any health
24 related services and boarding houses which are operated by persons
25 contracting with the United States Veterans Administration for boarding
26 services;

27 (e) The remedial care or treatment of residents or patients in any home or

1 institution conducted only for those who rely solely upon treatment by prayer
2 or spiritual means in accordance with the creed or tenets of any recognized
3 church or religious denomination and recognized by that church or
4 denomination; and

5 (f) On-duty police and fire department personnel assisting in emergency
6 situations by providing first aid or transportation when regular emergency
7 units licensed to provide first aid or transportation are unable to arrive at the
8 scene of an emergency situation within a reasonable time.

9 (3) An existing facility licensed as skilled nursing, intermediate care, or nursing home
10 shall notify the cabinet of its intent to change to a nursing facility as defined in
11 Public Law 100-203. A certificate of need shall not be required for conversion of
12 skilled nursing, intermediate care, or nursing home to the nursing facility licensure
13 category.

14 (4) Notwithstanding any other provision of law to the contrary, dual-license acute care
15 beds licensed as of December 31, 1995, and those with a licensure application filed
16 and in process prior to February 10, 1996, may be converted to nursing facility beds
17 by December 31, 1996, without applying for a certificate of need. Any dual-license
18 acute care beds not converted to nursing facility beds by December 31, 1996, shall,
19 as of January 1, 1997, be converted to licensed acute care beds.

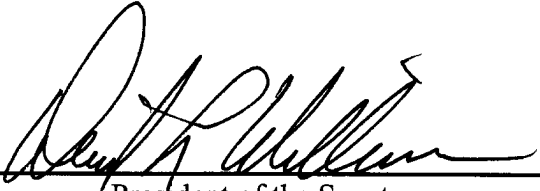
20 (5) Notwithstanding any other provision of law to the contrary, no dual-license acute
21 care beds or acute care nursing home beds that have been converted to nursing
22 facility beds pursuant to the provisions of subsection (3) of this section may be
23 certified as Medicaid eligible after December 31, 1995, without the written
24 authorization of the secretary.

25 (6) Notwithstanding any other provision of law to the contrary, total dual-license acute
26 care beds shall be limited to those licensed as of December 31, 1995, and those with
27 a licensure application filed and in process prior to February 10, 1996. No acute

1 care hospital may obtain a new dual license for acute care beds unless the hospital
2 had a licensure application filed and in process prior to February 10, 1996.

3 (7) Ambulance services owned and operated by a city government, which propose to
4 provide services in coterminous cities outside of the ambulance service's designated
5 geographic service area, shall not be required to obtain a certificate of need if the
6 governing body of the city in which the ambulance services are to be provided
7 enters into an agreement with the ambulance service to provide services in the city.

8 (8) Notwithstanding any other provision of law, a continuing care retirement
9 community's nursing home beds shall not be certified as Medicaid eligible unless a
10 certificate of need has been issued authorizing applications for Medicaid
11 certification. The provisions of subsection (3) of this section notwithstanding, a
12 continuing care retirement community shall not change the level of care licensure
13 status of its beds without first obtaining a certificate of need.

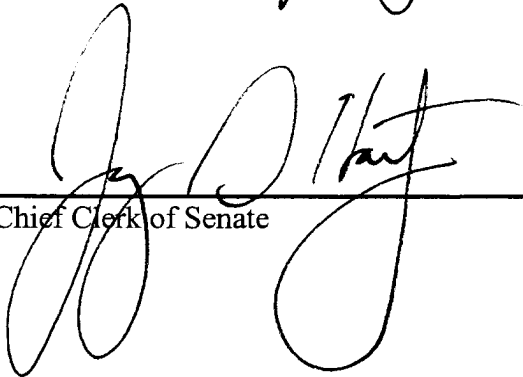


President of the Senate



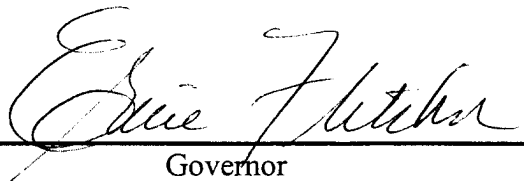
Speaker-House of Representatives

Attest:



Chief Clerk of Senate

Approved



Governor

Date

